

From: Jack DiSorbo
To: Freeman, Daniel (CRT); Patrick Sweeten; Will Thompson; Courtney Corbello; Christopher Hilton; Ari Herbert; Munera Al-Fuhaid; Ryan Kercher
Cc: Kenneth Parreno; SMcCaffity@textrial.com; jgonzalez@malc.org; mark@markgaber.com; chad@brazilanddunn.com; noor@scsj.org; allison@southerncoalition.org; akhanna@elias.law; dfox@elias.law; robert@notzonlaw.com; erosenberg@lawyerscommittee.org; garybledsoe@sbcglobal.net; nas@naslegal.com; martin.golando@gmail.com; Pooja Chaudhuri; Hilary Harris Klein; Alexandra Wolfson; Nina Perales; Samantha Serna; Lott, Jasmin (CRT); Anderson, Jacki (CRT); Berlin, Holly (CRT); Mellett, Timothy F (CRT); Sitton, Jaye (CRT); Rupp, Michelle (CRT)
Subject: RE: LULAC v. Abbott (Texas Redistricting): Deposition Availability
Date: Tuesday, June 14, 2022 10:03:29 AM

Counsel,

For the groups who contend the Lieutenant Governor has information relevant to their claims, we would like to meet and confer to discuss the basis for your seeking his deposition. As I said in my initial email, we do not believe his deposition should go forward. Patrick (Patrick.Sweeten@oag.texas.gov) and Ari (Ari.Herbert@oag.texas.gov) will facilitate that conferral.

Please also note that Senator Huffman is available for a deposition on June 30. Sean Opperman is available June 30, July 1, July 13, and July 15. Anna Mackin is available July 7, July 8, July 11, and July 15.

Best, Jack

From: Jack DiSorbo
Sent: Monday, June 13, 2022 1:53 PM
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Subject: RE: LULAC v. Abbott (Texas Redistricting): Deposition Availability

Good afternoon counsel,

I can confirm that we represent the Lieutenant Governor, Senators Huffman, Bettencourt, Birdwell, Campbell, and Hughes, Anna Mackin, Sean Opperman, and Koy Kunkel. I will provide an update for Senator Hancock, Ashley Brooks, John Gibbs, and Colby Beuck as soon as we can.

First, I can say that we will file a motion to quash any subpoena directed at the Lieutenant Governor. As is the case for the Speaker, any deposition should be set for the week or two after the close of fact discovery, to allow for briefing and decision on that motion. Understanding that we will agree to allow the deposition to be taken out of time should the Court deny the motion to quash.

Second, we do not understand why plaintiffs are seeking the depositions of Koy Kunkel, Ashley Brooks, John Gibbs, and Colby Beuck. As to Mr. Kunkel, as you are aware, he left his position as clerk to the Senate Redistricting Committee in August, before redistricting began, and as such was not involved in substantive legislative duties. This fact is further reflected by his modest response to the subpoena that was sent to him; he produced less than 100 pages of publicly available red reports. Moreover, Mr. Kunkel is currently engaged in summer internships and taking summer courses. His administrative role in the legislature is not a reason to burden him with a deposition.

In addition, we do not understand the basis for seeking the deposition of Ms. Brooks, Mr. Gibbs, or Mr. Beuck. To our knowledge, these folks were never sent document subpoenas, despite plaintiffs sending nearly 100 such subpoenas to various legislators and staffers. Nor have plaintiffs articulated any specific reason they need to obtain these persons' depositions this late in the game. As Taylor has suggested for other potential witnesses, we would be open to providing declarations explaining the limited scope of these folks' involvement in redistricting. I expect that would save us all time and effort. Please advise if the plaintiffs seeking these depositions would be willing to confer on the subject of these four witnesses.

I will provide proposed dates for Senators Huffman, Bettencourt, Birdwell, Campbell, and Hughes, Anna Mackin, Sean Opperman as soon as we are able. I expect to begin receiving dates tomorrow and into early this week.

Sincerely, Jack DiSorbo

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From: Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>

Sent: Thursday, June 9, 2022 3:49 PM

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Patrick,

I am writing on behalf of both the United States and Private Plaintiffs to request deposition dates for the following individuals with respect to LULAC v. Abbott (Texas Redistricting).

- Lieutenant Governor Dan Patrick
- Senator Joan Huffman
- Senator Paul Bettencourt
- Senator Brian Birdwell
- Senator Donna Campbell
- Senator Kelly Hancock
- Senator Bryan Hughes
- Anna Mackin (Counsel to Senate Special Committee on Redistricting)
- Sean Opperman (Counsel to Senate Special Committee on Redistricting)
- Koy Kunkel (Clerk of Senate Special Committee on Redistricting)
- Ashley Brooks (Legislative Director for Senator Huffman)
- John Gibbs (Policy Director to Lieutenant Governor Patrick)
- Colby Beuck (Legislative Coordinator for Lieutenant Governor Patrick)

Please let me know if Texas OAG does not represent any of the individuals or if you would like to meet and confer regarding any of these individuals prior to issuance of a deposition subpoena.

Thanks very much,

Dan Freeman

Daniel J. Freeman
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